

By: Middleton, Blanco

S.B. No. 3055

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of advanced practice registered nurses and the number of advanced practice registered nurses and physician assistants with whom a physician may enter into a prescriptive authority agreement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SHORT TITLE

SECTION 1.001. This Act may be cited as the Healthcare Expanded and Accessed Locally for Texans (HEAL Texans) Act.

ARTICLE 2. REGULATION OF ADVANCED PRACTICE REGISTERED NURSES

SECTION 2.001. Section 301.002, Occupations Code, is amended to read as follows:

Sec. 301.002. DEFINITIONS. In this chapter:

(1) "Advanced practice registered nurse" means a registered nurse licensed by the board to practice as an advanced practice registered nurse on the basis of completion of an advanced educational program.

(2) ~~[(1)]~~ "Board" means the Texas Board of Nursing.

(3) ~~[(1-a)]~~ "Chief nursing officer" means the registered nurse who is administratively responsible for the nursing services at a facility.

(4) "Controlled substance" has the meaning assigned by Section 481.002, Health and Safety Code.

(5) "Dangerous drug" has the meaning assigned by

1 Section 483.001, Health and Safety Code.

2 (6) "Device" has the meaning assigned by Section
3 551.003, and includes durable medical equipment.

4 (7) "Nonprescription drug" has the meaning assigned by
5 Section 551.003.

6 (8) "Nurse" means a person required to be licensed
7 under this chapter to engage in professional or vocational nursing.

8 (9) "Nursing" means professional or vocational
9 nursing.

10 (10) [~~(1-b)~~] "Patient safety committee" has the
11 meaning assigned by Section 303.001.

12 (11) "Prescribe or order a drug or device" has the
13 meaning assigned by Section 157.051.

14 (12) [~~(2)~~] "Professional nursing" means the
15 performance of an act that requires substantial specialized
16 judgment and skill, the proper performance of which is based on
17 knowledge and application of the principles of biological,
18 physical, and social science as acquired by a completed course in an
19 approved school of professional nursing. The term does not include
20 acts of medical diagnosis or the prescription of therapeutic or
21 corrective measures, except as performed by an advanced practice
22 registered nurse authorized to practice by the board under Section
23 301.357. Professional nursing involves:

24 (A) the observation, assessment, intervention,
25 evaluation, rehabilitation, care and counsel, or health teachings
26 of a person who is ill, injured, infirm, or experiencing a change in
27 normal health processes;

(B) the maintenance of health or prevention of illness;

(C) the administration of a medication or treatment as ordered by a health care practitioner legally authorized to prescribe the medication or treatment ~~[physician, podiatrist, or dentist]~~;

(D) the supervision or teaching of nursing;

(E) the administration, supervision, and evaluation of nursing practices, policies, and procedures;

(F) the requesting, receiving, signing for, and distribution of prescription drug samples to patients at practices at which an advanced practice registered nurse is authorized to sign prescription drug orders as provided by Subchapter B, Chapter 157;

(G) the performance by an advanced practice registered nurse of an act delegated by a physician under Section 157.0512, 157.054, 157.058, or 157.059; ~~and~~

(H) the development of the nursing care plan; and

(I) the performance of an act by an advanced practice registered nurse authorized to practice by the board under Section 301.357.

~~[(3) "Nurse" means a person required to be licensed under this chapter to engage in professional or vocational nursing.~~

~~[(4) "Nursing" means professional or vocational nursing.]~~

(13) ~~[(5)]~~ "Vocational nursing" means a directed scope of nursing practice, including the performance of an act that

1 requires specialized judgment and skill, the proper performance of
2 which is based on knowledge and application of the principles of
3 biological, physical, and social science as acquired by a completed
4 course in an approved school of vocational nursing. The term does
5 not include acts of medical diagnosis or the prescription of
6 therapeutic or corrective measures. Vocational nursing involves:

7 (A) collecting data and performing focused
8 nursing assessments of the health status of an individual;

9 (B) participating in the planning of the nursing
10 care needs of an individual;

11 (C) participating in the development and
12 modification of the nursing care plan;

13 (D) participating in health teaching and
14 counseling to promote, attain, and maintain the optimum health
15 level of an individual;

16 (E) assisting in the evaluation of an
17 individual's response to a nursing intervention and the
18 identification of an individual's needs; and

19 (F) engaging in other acts that require education
20 and training, as prescribed by board rules and policies,
21 commensurate with the nurse's experience, continuing education,
22 and demonstrated competency.

23 SECTION 2.002. Section 301.005(b), Occupations Code, is
24 amended to read as follows:

25 (b) A reference in any other law to an "advanced nurse
26 practitioner," [~~practitioner~~ ~~or~~] "advanced practice nurse," or
27 "advanced practice registered nurse" means an advanced practice

1 registered nurse.

2 SECTION 2.003. Sections 301.152(a) and (b), Occupations
3 Code, are amended to read as follows:

4 (a) ~~[In this section, "advanced practice registered nurse"~~
5 ~~means a registered nurse licensed by the board to practice as an~~
6 ~~advanced practice registered nurse on the basis of completion of an~~
7 ~~advanced educational program.]~~ The term "advanced practice
8 registered nurse" includes a nurse practitioner, nurse midwife,
9 nurse anesthetist, and clinical nurse specialist. ~~[The term is~~
10 ~~synonymous with "advanced nurse practitioner" and "advanced~~
11 ~~practice nurse."]~~

12 (b) The board shall adopt rules to:

13 (1) license a registered nurse as an advanced practice
14 registered nurse;

15 (2) establish:

16 (A) any specialized education or training,
17 including pharmacology, that an advanced practice registered nurse
18 must have to prescribe or order a drug or device as delegated by a
19 physician under Section 157.0512 or 157.054 or authorized by the
20 board under Section 301.358;

21 (B) a system for approving an advanced practice
22 registered nurse to prescribe or order a drug or device as delegated
23 by a physician under Section 157.0512 or 157.054 or authorized by
24 the board under Section 301.358 on the receipt of evidence of
25 completing the specialized education and training requirement
26 under Paragraph (A); and

27 (C) a system for issuing a prescription

1 authorization number to an advanced practice registered nurse
2 approved under Paragraph (B); and

3 (3) concurrently renew any license or approval granted
4 to an advanced practice registered nurse under this subsection and
5 a license renewed by the advanced practice registered nurse under
6 Section 301.301.

7 SECTION 2.004. Section 301.303(b), Occupations Code, is
8 amended to read as follows:

9 (b) Except as provided by a rule adopted under Section
10 301.357(h) for an advanced practice registered nurse authorized by
11 the board to practice under that section, the [The] board may not
12 require participation in more than a total of 20 hours of continuing
13 education in a two-year licensing period.

14 SECTION 2.005. Subchapter H, Chapter 301, Occupations Code,
15 is amended by adding Sections 301.357, 301.358, and 301.359 to read
16 as follows:

17 Sec. 301.357. INDEPENDENT PRACTICE BY CERTAIN ADVANCED
18 PRACTICE REGISTERED NURSES. (a) The board shall authorize the
19 practice under this section of an advanced practice registered
20 nurse who applies for authorization under this section in the
21 manner prescribed by the board and who:

22 (1) is a nurse practitioner, nurse midwife, or
23 clinical nurse specialist; and

24 (2) either:

25 (A) has held an active unencumbered license as an
26 advanced practice registered nurse in any state for at least 10
27 years or 20,000 hours, as determined by the board; or

1 (B) has:

2 (i) graduated from a program of nursing
3 education that has a physical presence in this state and has a
4 requirement of in-person clinical experience; and

5 (ii) practiced as an advanced practice
6 registered nurse under a prescriptive authority agreement with a
7 physician for at least four years or 8,000 hours, as determined by
8 the board.

9 (b) To be eligible for authorization to practice under this
10 section, an applicant described by Subsection (a) must:

11 (1) hold an active, unencumbered license to practice
12 as an advanced practice registered nurse in this state;

13 (2) hold a current national certification in the role
14 and population focus of the advanced practice registered nurse;

15 (3) have a bachelor's degree in nursing and a master's
16 or doctoral degree in nursing from a nationally accredited
17 educational program;

18 (4) have completed academic coursework in physical
19 assessment, advanced pharmacology, and advanced pathophysiology;
20 and

21 (5) not be the subject of any pending disciplinary
22 action or substantially equivalent action.

23 (c) The scope of practice of an advanced practice registered
24 nurse authorized to practice under this section includes:

25 (1) ordering, performing, and interpreting diagnostic
26 tests;

27 (2) formulating primary and differential medical

1 diagnoses and advanced assessments;

2 (3) treating actual and potential health problems;

3 (4) prescribing therapeutic and corrective measures,
4 including nutrition and diagnostic support services, home health
5 care, hospice care, physical therapy, and occupational therapy, and
6 delegating and assigning the performance of therapeutic and
7 corrective measures to assistive personnel;

8 (5) to the extent authorized by the board under
9 Section 301.358, prescribing, ordering, procuring, administering,
10 and dispensing drugs and devices, including blood and blood
11 products, controlled substances listed in Schedules III, IV, and V,
12 dangerous drugs, and nonprescription drugs;

13 (6) providing referrals to health care agencies,
14 health care providers, and community resources;

15 (7) serving as a primary care provider of record; and

16 (8) performing other acts that require education and
17 training consistent with professional standards and that are
18 commensurate with the advanced practice registered nurse's
19 education, licensure, and demonstrated competencies and
20 experience.

21 (d) Subject to Subsection (e), an advanced practice
22 registered nurse authorized to practice under this section shall
23 practice as a licensed independent practitioner in accordance with
24 standards established and recognized by the board to protect the
25 public health and safety.

26 (e) An advanced practice registered nurse authorized to
27 practice under this section may practice as a licensed independent

practitioner only in a county with a population of less than 68,750.

(f) An advanced practice registered nurse authorized to practice under this section is accountable to patients, the nursing profession, and the board for:

(1) complying with the requirements of this chapter;

(2) providing quality advanced nursing care;

(3) recognizing the limits of the nurse's knowledge;

(4) planning for the management of situations beyond the nurse's expertise; and

(5) consulting with or referring patients to other health care providers as appropriate.

(g) This section does not limit or modify the scope of practice of a nurse who is not authorized to practice under this section.

(h) The board by rule shall establish:

(1) the application process for authorization to practice under this section;

(2) a requirement that an advanced practice registered nurse authorized to practice under this section complete at least 48 hours of continuing education, including 10 hours of continuing education in pharmacology, every two years; and

(3) systems to:

(A) authorize an advanced practice registered nurse to prescribe or order a drug or device under Section 301.358 when the board receives evidence of the completion of any education or training required by board rule; and

(B) concurrently renew for an advanced practice

1 registered nurse:

2 (i) an authorization issued under this
3 section or Section 301.358; and

4 (ii) a license issued under rules adopted
5 under Section 301.152 or renewed under Section 301.301.

6 Sec. 301.358. PRESCRIBING AND ORDERING AUTHORITY OF
7 ADVANCED PRACTICE REGISTERED NURSE. The board may authorize an
8 advanced practice registered nurse authorized to practice by the
9 board under Section 301.357 to prescribe and order drugs and
10 devices, including controlled substances listed in Schedules III,
11 IV, and V, dangerous drugs, and nonprescription drugs.

12 Sec. 301.359. REPORT TO BOARD. (a) An advanced practice
13 registered nurse authorized to practice by the board under Section
14 301.357 shall, not later than January 15 of each year, submit to the
15 board a report that includes for the preceding calendar year:

16 (1) the location of each setting in which the advanced
17 practice registered nurse practiced as an independent
18 practitioner, including the county in which the setting is located;

19 (2) the number of patients to whom the advanced
20 practice registered nurse practiced as an independent
21 practitioner; and

22 (3) the number of instances in which the advanced
23 practice registered nurse:

24 (A) referred the patient to a physician for the
25 prescription of a controlled substance listed in Schedule II; or

26 (B) prescribed a controlled substance listed in
27 Schedule II to a patient under a prescriptive authority agreement

1 with a physician.

2 (b) An advanced practice registered nurse authorized to
3 practice by the board under Section 301.357 shall notify the board
4 if the advanced practice registered nurse practices as an
5 independent practitioner at a location other than the practice
6 setting identified in the report submitted to the board under
7 Subsection (a) for the previous calendar year.

8 (c) The board shall annually aggregate, anonymize, and
9 publish on the board's Internet website the information submitted
10 by each advanced practice registered nurse under Subsection (a).

11 ARTICLE 3. DELEGATION AND PRESCRIPTIVE AUTHORITY AGREEMENTS

12 SECTION 3.001. Section 157.0512(c), Occupations Code, is
13 amended to read as follows:

14 (c) Except as provided by Subsection (d), the combined
15 number of advanced practice registered nurses and physician
16 assistants with whom a physician may enter into a prescriptive
17 authority agreement may not exceed nine ~~[seven]~~ advanced practice
18 registered nurses and physician assistants or the full-time
19 equivalent of seven advanced practice registered nurses and
20 physician assistants.

21 SECTION 3.002. Chapter 157, Occupations Code, is amended by
22 adding Subchapter D to read as follows:

23 SUBCHAPTER D. DELEGATION AGREEMENTS WITH

24 ADVANCED PRACTICE REGISTERED NURSES

25 Sec. 157.151. NONDISCLOSURE AGREEMENTS. A delegation
26 agreement, including a prescriptive authority agreement, between a
27 physician and an advanced practice registered nurse may not include

1 or be the subject of a nondisclosure agreement.

2 Sec. 157.152. REPORTING BY PHYSICIAN; REPORT TO BOARD. (a)
3 A physician who enters into a delegation agreement with an advanced
4 practice registered nurse, including a prescriptive authority
5 agreement under Section 157.0512, shall, not later than January 15
6 of each year, submit to the board a report that includes for the
7 preceding calendar year:

8 (1) the amount of any fee the physician charges the
9 advanced practice registered nurse to enter into the agreement;

10 (2) any restriction or limitation the physician places
11 on the advanced practice registered nurse's practice under the
12 agreement;

13 (3) any instance in which the physician changes the
14 diagnosis or course of treatment of a patient of the advanced
15 practice registered nurse; and

16 (4) the number of case files the physician reviews
17 each month.

18 (b) The board shall annually aggregate, anonymize, and
19 publish on the board's Internet website the information submitted
20 by each physician under Subsection (a).

21 Sec. 157.153. COMPLAINT REGARDING ADVANCED PRACTICE
22 REGISTERED NURSE UNDER DELEGATION AGREEMENT. (a) The board shall
23 disaggregate from information the board maintains regarding
24 complaints against a physician any information regarding a
25 complaint against an advanced practice registered nurse practicing
26 under a delegation agreement with the physician.

27 (b) The board shall separately maintain information

1 regarding complaints against an advanced practice registered nurse
2 practicing under a delegation agreement with the physician. The
3 information maintained under this subsection must include:

4 (1) the specialization of the advanced practice
5 registered nurse who is the subject of the complaint; and

6 (2) the disposition of the complaint, including any
7 disciplinary action taken.

8 ARTICLE 4. CONFORMING AMENDMENTS

9 SECTION 4.001. Section 38.151(1), Education Code, is
10 amended to read as follows:

11 (1) "Advanced practice nurse" has the meaning assigned
12 to "advanced practice registered nurse" by Section 301.002
13 [~~301.152~~], Occupations Code.

14 SECTION 4.002. Section 38.211(a), Education Code, is
15 amended to read as follows:

16 (a) A physician, a [~~or~~] person who has been delegated
17 prescriptive authority under Chapter 157, Occupations Code, or an
18 advanced practice registered nurse authorized to prescribe and
19 order drugs and devices under Section 301.358, Occupations Code,
20 may prescribe epinephrine auto-injectors or medication for
21 respiratory distress in the name of a school district,
22 open-enrollment charter school, or private school.

23 SECTION 4.003. Section 38.225(a), Education Code, is
24 amended to read as follows:

25 (a) A physician, a [~~or~~] person who has been delegated
26 prescriptive authority under Chapter 157, Occupations Code, or an
27 advanced practice registered nurse authorized to prescribe and

1 order drugs and devices under Section 301.358, Occupations Code,
2 may prescribe opioid antagonists in the name of a school district,
3 open-enrollment charter school, or private school.

4 SECTION 4.004. Section 61.601, Education Code, is amended
5 to read as follows:

6 Sec. 61.601. DEFINITION. In this subchapter, "mental
7 health professional" means:

8 (1) a licensed physician who is:

9 (A) a graduate of an accredited psychiatric
10 residency training program; or

11 (B) certified in psychiatry by:

12 (i) the American Board of Psychiatry and
13 Neurology; or

14 (ii) the American Osteopathic Board of
15 Neurology and Psychiatry;

16 (2) a psychologist, as defined by Section 501.002,
17 Occupations Code;

18 (3) a licensed professional counselor, as defined by
19 Section 503.002, Occupations Code;

20 (4) an advanced practice registered nurse, as defined
21 by Section 301.002 [~~301.152~~], Occupations Code, who holds a
22 nationally recognized board certification in psychiatric or mental
23 health nursing;

24 (5) a licensed clinical social worker, as defined by
25 Section 505.002, Occupations Code;

26 (6) a licensed specialist in school psychology, as
27 defined by Section 501.002, Occupations Code;

(7) a chemical dependency counselor, as defined by Section 504.001, Occupations Code; and

(8) a licensed marriage and family therapist, as defined by Section 502.002, Occupations Code.

SECTION 4.005. Section 1101.100(1), Estates Code, is amended to read as follows:

(1) "Advanced practice registered nurse" has the meaning assigned by Section 301.002 [~~301.152~~], Occupations Code.

SECTION 4.006. Section 671.001(b), Government Code, is amended to read as follows:

(b) The pilot program must provide for the following:

(1) either:

(A) both:

(i) a licensed advanced practice registered nurse as defined by Section 301.002 [~~301.152~~], Occupations Code, or a licensed physician assistant as described by Chapter 204, Occupations Code, who is employed by the state or whose services are acquired by contract, who will be located at a state office complex; and

(ii) [~~(2)~~] a licensed physician, who is employed by a state governmental entity for purposes other than the pilot program or whose services are acquired by contract, who will delegate to and supervise the advanced practice registered nurse or physician assistant under a prescriptive authority agreement under Chapter 157, Occupations Code; or

(B) an advanced practice registered nurse authorized to practice under Section 301.357, Occupations Code;

1 (2) ~~[(3)]~~ appropriate office space and equipment for
2 the advanced practice registered nurse or physician assistant to
3 provide basic medical care to employees at the state office complex
4 where the nurse or physician assistant is located; and

5 (3) ~~[(4)]~~ professional liability insurance covering
6 services provided by the advanced practice registered nurse or the
7 physician assistant.

8 SECTION 4.007. Section 47.011(a), Health and Safety Code,
9 is amended to read as follows:

10 (a) In this section, "midwife" has the meaning assigned by
11 Section 203.002, Occupations Code, and includes a nurse midwife
12 ~~[described by Section 301.152, Occupations Code]~~.

13 SECTION 4.008. Sections 161.0052(b) and (c), Health and
14 Safety Code, are amended to read as follows:

15 (b) The executive commissioner by rule shall require a
16 hospital to inform each elderly person admitted to the hospital for
17 a period of 24 hours or more that the pneumococcal and influenza
18 vaccines are available. If the elderly person requests a vaccine,
19 and if a physician, or an advanced practice registered nurse
20 ~~[practitioner]~~ or physician assistant on behalf of a physician, or
21 an advanced practice registered nurse authorized to prescribe and
22 order drugs and devices under Section 301.358, Occupations Code,
23 determines that the vaccine is in the person's best interest, the
24 hospital must make the vaccination available to the person before
25 the person is discharged from the hospital.

26 (c) The executive commissioner by rule shall require an end
27 stage renal disease facility to offer, to the extent possible as

1 determined by the facility, the opportunity to receive the
 2 pneumococcal and influenza vaccines to each elderly person who
 3 receives ongoing care at the facility if a physician, or an advanced
 4 practice registered nurse [~~practitioner~~] or physician assistant on
 5 behalf of a physician, or an advanced practice registered nurse
 6 authorized to prescribe and order drugs and devices under Section
 7 301.358, Occupations Code, determines that the vaccine is in the
 8 person's best interest. If the facility decides it is not feasible
 9 to offer the vaccine, the facility must provide the person with
 10 information on other options for obtaining the vaccine.

11 SECTION 4.009. Section 401.504(d), Health and Safety Code,
 12 is amended to read as follows:

13 (d) This subchapter does not apply to a physician, [~~or to~~] a
 14 physician's employee or delegate acting under Chapter 157,
 15 Occupations Code, or an advanced practice registered nurse
 16 authorized to prescribe and order drugs and devices under Section
 17 301.358, Occupations Code.

18 SECTION 4.010. Section 481.002(39), Health and Safety Code,
 19 is amended to read as follows:

20 (39) "Practitioner" means:

21 (A) a physician, dentist, veterinarian,
 22 podiatrist, scientific investigator, advanced practice registered
 23 nurse authorized to prescribe and order drugs and devices under
 24 Section 301.358, Occupations Code, or other person licensed,
 25 registered, or otherwise permitted to distribute, dispense,
 26 analyze, conduct research with respect to, or administer a
 27 controlled substance in the course of professional practice or

1 research in this state;

2 (B) a pharmacy, hospital, or other institution
3 licensed, registered, or otherwise permitted to distribute,
4 dispense, conduct research with respect to, or administer a
5 controlled substance in the course of professional practice or
6 research in this state;

7 (C) a person practicing in and licensed by
8 another state as a physician, dentist, veterinarian, advanced
9 practice registered nurse, or podiatrist, having a current Federal
10 Drug Enforcement Administration registration number, who may
11 legally prescribe Schedule II, III, IV, or V controlled substances
12 in that state; or

13 (D) an advanced practice registered nurse or
14 physician assistant to whom a physician has delegated the authority
15 to prescribe or order a drug or device under Section 157.0511,
16 157.0512, or 157.054, Occupations Code.

17 SECTION 4.011. Section 481.074(d), Health and Safety Code,
18 is amended to read as follows:

19 (d) Except as specified in Subsections (e) and (f), the
20 board, by rule and in consultation with the Texas Medical Board and
21 the Texas Board of Nursing, shall establish the period after the
22 date on which the prescription is issued that a person may fill a
23 prescription for a controlled substance listed in Schedule II. A
24 person may not refill a prescription for a substance listed in
25 Schedule II.

26 SECTION 4.012. Section 481.076(c), Health and Safety Code,
27 is amended to read as follows:

(c) The board by rule shall design and implement a system for submission of information to the board by electronic or other means and for retrieval of information submitted to the board under this section and Sections 481.074 and 481.075. The board shall use automated information security techniques and devices to preclude improper access to the information. The board shall submit the system design to the director, ~~and~~ the Texas Medical Board, and the Texas Board of Nursing for review and comment a reasonable time before implementation of the system and shall comply with the comments of those agencies unless it is unreasonable to do so.

SECTION 4.013. Section 481.0767(b), Health and Safety Code, is amended to read as follows:

(b) The board shall appoint the following members to the advisory committee:

(1) a physician licensed in this state who practices in pain management;

(2) a physician licensed in this state who practices in family medicine;

(3) a physician licensed in this state who performs surgery;

(4) a physician licensed in this state who practices in emergency medicine at a hospital;

(5) a physician licensed in this state who practices in psychiatry;

(6) an oral and maxillofacial surgeon;

(7) a physician assistant or advanced practice registered nurse to whom a physician has delegated the authority to

1 prescribe or order a drug or an advanced practice registered nurse
2 authorized to prescribe and order drugs and devices under Section
3 301.358, Occupations Code;

4 (8) a pharmacist working at a chain pharmacy;

5 (9) a pharmacist working at an independent pharmacy;

6 (10) an academic pharmacist; and

7 (11) two representatives of the health information
8 technology industry, at least one of whom is a representative of a
9 company whose primary line of business is electronic medical
10 records.

11 SECTION 4.014. Sections 483.001(4), (12), and (13), Health
12 and Safety Code, are amended to read as follows:

13 (4) "Designated agent" means:

14 (A) a licensed nurse, physician assistant,
15 pharmacist, or other individual designated by a practitioner to
16 communicate prescription drug orders to a pharmacist;

17 (B) a licensed nurse, physician assistant, or
18 pharmacist employed in a health care facility to whom the
19 practitioner communicates a prescription drug order; or

20 (C) an advanced practice ~~[a]~~ registered nurse or
21 physician assistant authorized by a practitioner to carry out a
22 prescription drug order for dangerous drugs under Subchapter B,
23 Chapter 157, Occupations Code.

24 (12) "Practitioner" means:

25 (A) a person licensed by:

26 (i) the Texas Medical Board, State Board of
27 Dental Examiners, Texas Optometry Board, or State Board of

Veterinary Medical Examiners to prescribe and administer dangerous drugs; or

(ii) the Texas Department of Licensing and Regulation, with respect to podiatry, to prescribe and administer dangerous drugs;

(B) a person licensed by another state in a health field in which, under the laws of this state, a licensee may legally prescribe dangerous drugs;

(C) a person licensed in Canada or Mexico in a health field in which, under the laws of this state, a licensee may legally prescribe dangerous drugs; ~~[or]~~

(D) an advanced practice registered nurse or physician assistant to whom a physician has delegated the authority to prescribe or order a drug or device under Section 157.0511, 157.0512, or 157.054, Occupations Code; or

(E) an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, Occupations Code.

(13) "Prescription" means an order from a practitioner, or an agent of the practitioner designated in writing as authorized to communicate prescriptions, or an order made in accordance with Subchapter B, Chapter 157, Occupations Code, or Section 203.353, Occupations Code, to a pharmacist for a dangerous drug to be dispensed that states:

(A) the date of the order's issue;

(B) the name and address of the patient;

(C) if the drug is prescribed for an animal, the

1 species of the animal;

2 (D) the name and quantity of the drug prescribed;

3 (E) the directions for the use of the drug;

4 (F) the intended use of the drug unless the
5 practitioner determines the furnishing of this information is not
6 in the best interest of the patient;

7 (G) the name, address, and telephone number of
8 the practitioner at the practitioner's usual place of business,
9 legibly printed or stamped; and

10 (H) the name, address, and telephone number of
11 the licensed midwife, advanced practice registered nurse, or
12 physician assistant, legibly printed or stamped, if signed by a
13 licensed midwife, advanced practice registered nurse, or physician
14 assistant.

15 SECTION 4.015. Section 483.022(f), Health and Safety Code,
16 is amended to read as follows:

17 (f) A practitioner may designate a person who is a licensed
18 vocational nurse or has an education equivalent to or greater than
19 that required for a licensed vocational nurse to communicate
20 prescriptions of an advanced practice registered nurse or physician
21 assistant authorized by the practitioner to sign prescription drug
22 orders under Subchapter B, Chapter 157, Occupations Code, or of an
23 advanced practice registered nurse authorized to prescribe and
24 order drugs and devices under Section 301.358, Occupations Code.

25 SECTION 4.016. Section 483.042(a), Health and Safety Code,
26 is amended to read as follows:

27 (a) A person commits an offense if the person delivers or

1 offers to deliver a dangerous drug:

2 (1) unless:

3 (A) the dangerous drug is delivered or offered
4 for delivery by a pharmacist under:

5 (i) a prescription issued by a practitioner
6 described by Section 483.001(12)(A), ~~[or]~~ (B), or (E);

7 (ii) a prescription signed by an advanced
8 practice ~~[a]~~ registered nurse or physician assistant in accordance
9 with Subchapter B, Chapter 157, Occupations Code; or

10 (iii) an original written prescription
11 issued by a practitioner described by Section 483.001(12)(C); and

12 (B) a label is attached to the immediate
13 container in which the drug is delivered or offered to be delivered
14 and the label contains the following information:

15 (i) the name and address of the pharmacy
16 from which the drug is delivered or offered for delivery;

17 (ii) the date the prescription for the drug
18 is dispensed;

19 (iii) the number of the prescription as
20 filed in the prescription files of the pharmacy from which the
21 prescription is dispensed;

22 (iv) the name of the practitioner who
23 prescribed the drug and, if applicable, the name of the advanced
24 practice registered nurse or physician assistant who signed the
25 prescription;

26 (v) the name of the patient and, if the drug
27 is prescribed for an animal, a statement of the species of the

1 animal; and

2 (vi) directions for the use of the drug as
3 contained in the prescription; or

4 (2) unless:

5 (A) the dangerous drug is delivered or offered
6 for delivery by:

7 (i) a practitioner in the course of
8 practice; or

9 (ii) an advanced practice [a] registered
10 nurse or physician assistant in the course of practice in
11 accordance with Subchapter B, Chapter 157, Occupations Code; and

12 (B) a label is attached to the immediate
13 container in which the drug is delivered or offered to be delivered
14 and the label contains the following information:

15 (i) the name and address of the
16 practitioner who prescribed the drug, and if applicable, the name
17 and address of the advanced practice registered nurse or physician
18 assistant;

19 (ii) the date the drug is delivered;

20 (iii) the name of the patient and, if the
21 drug is prescribed for an animal, a statement of the species of the
22 animal; and

23 (iv) the name of the drug, the strength of
24 the drug, and directions for the use of the drug.

25 SECTION 4.017. Section 773.0145(k), Health and Safety Code,
26 is amended to read as follows:

27 (k) A physician, a [~~or~~] person who has been delegated

1 prescriptive authority under Chapter 157, Occupations Code, or an
2 advanced practice registered nurse authorized to prescribe and
3 order drugs and devices under Section 301.358, Occupations Code,
4 may prescribe epinephrine auto-injectors in the name of an entity.

5 SECTION 4.018. Section 32.024(gg), Human Resources Code, is
6 amended to read as follows:

7 (gg) Notwithstanding any other law, including Sections
8 843.312 and 1301.052, Insurance Code, the commission shall ensure
9 that advanced practice registered nurses and physician assistants
10 may be selected by and assigned to recipients of medical assistance
11 as the primary care providers of those recipients regardless of
12 whether, if applicable, the physician supervising the advanced
13 practice registered nurse is included in any directory of providers
14 of medical assistance maintained by the commission. This
15 subsection may not be construed as authorizing the commission to
16 supervise or control the practice of medicine as prohibited by
17 Subtitle B, Title 3, Occupations Code. The commission must require
18 that advanced practice registered nurses and physician assistants
19 be treated in the same manner as primary care physicians with regard
20 to:

21 (1) selection and assignment as primary care
22 providers; and

23 (2) inclusion as primary care providers in any
24 directory of providers of medical assistance maintained by the
25 commission.

26 SECTION 4.019. Section 32.03141, Human Resources Code, is
27 amended to read as follows:

1 Sec. 32.03141. AUTHORITY OF ADVANCED PRACTICE REGISTERED
2 NURSES AND PHYSICIAN ASSISTANTS REGARDING DURABLE MEDICAL
3 EQUIPMENT AND SUPPLIES. To the extent allowed by federal law, in
4 addition to other health care practitioners authorized by federal
5 law, the following persons may order and prescribe durable medical
6 equipment and supplies under the medical assistance program:

7 (1) an advanced practice registered nurse authorized
8 to prescribe and order drugs and devices under Section 301.358,
9 Occupations Code; and

10 (2) an advanced practice registered nurse or physician
11 assistant acting under adequate physician supervision and to whom a
12 physician has delegated the authority to prescribe and order drugs
13 and devices under Chapter 157, Occupations Code~~[, may order and~~
14 ~~prescribe durable medical equipment and supplies under the medical~~
15 ~~assistance program]~~.

16 SECTION 4.020. Section 42.067(b), Human Resources Code, is
17 amended to read as follows:

18 (b) A physician, ~~[or]~~ a person who has been delegated
19 prescriptive authority under Chapter 157, Occupations Code, or an
20 advanced practice registered nurse authorized to prescribe and
21 order drugs and devices under Section 301.358, Occupations Code,
22 may prescribe epinephrine auto-injectors in the name of a day-care
23 center.

24 SECTION 4.021. Section 843.312, Insurance Code, is amended
25 to read as follows:

26 Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
27 REGISTERED NURSES. (a) A health maintenance organization may not

1 refuse a request by a physician participating in the health
 2 maintenance organization delivery network and a physician
 3 assistant or advanced practice registered nurse who is authorized
 4 by the physician to provide care under Subchapter B, Chapter 157,
 5 Occupations Code, or an advanced practice registered nurse
 6 authorized to prescribe and order drugs and devices under Section
 7 301.358, Occupations Code, to identify a physician assistant or
 8 advanced practice registered nurse as a provider in the network.

9 (b) A health maintenance organization may refuse a request
 10 under Subsection (a) if the physician assistant or advanced
 11 practice registered nurse does not meet the quality of care
 12 standards previously established by the health maintenance
 13 organization for participation in the network by physician
 14 assistants and advanced practice registered nurses.

15 SECTION 4.022. Section 1301.001(1-a), Insurance Code, is
 16 amended to read as follows:

17 (1-a) "Health care provider" means a practitioner,
 18 institutional provider, or other person or organization that
 19 furnishes health care services and that is licensed or otherwise
 20 authorized to practice in this state. The term includes a
 21 pharmacist, ~~and~~ a pharmacy, and an advanced practice registered
 22 nurse authorized to practice under Section 301.357, Occupations
 23 Code. The term does not include a physician.

24 SECTION 4.023. Section 1452.051(1), Insurance Code, is
 25 amended to read as follows:

26 (1) "Advanced practice nurse" has the meaning assigned
 27 to "advanced practice registered nurse" by Section 301.002

1 ~~[301.152]~~, Occupations Code.

2 SECTION 4.024. Section 408.025, Labor Code, is amended by
3 amending Subsection (a-1) and adding Subsection (a-2) to read as
4 follows:

5 (a-1) A ~~[treating doctor may delegate to a physician~~
6 ~~assistant who is licensed to practice in this state under Chapter~~
7 ~~204, Occupations Code, or an advanced practice registered nurse who~~
8 ~~is licensed to practice in this state under Chapter 301,~~
9 ~~Occupations Code, the authority to complete and sign a]~~ work status
10 report regarding an injured employee's ability to return to work
11 may be completed and signed by:

12 (1) a physician assistant licensed to practice in this
13 state under Chapter 204, Occupations Code, who has been delegated
14 the authority by a treating doctor;

15 (2) an advanced practice registered nurse licensed to
16 practice in this state under Chapter 301, Occupations Code, who has
17 been delegated the authority by a treating doctor; or

18 (3) an advanced practice registered nurse authorized
19 to practice under Section 301.357, Occupations Code.

20 (a-2) The delegating treating doctor is responsible for the
21 acts of a [the] physician assistant [or advanced practice
22 registered nurse] under Subsection (a-1)(1) or an advanced practice
23 registered nurse under Subsection (a-1)(2) [this subsection].

24 SECTION 4.025. Section 157.051(1), Occupations Code, is
25 amended to read as follows:

26 (1) "Advanced practice registered nurse" has the
27 meaning assigned ~~[to that term]~~ by Section 301.002 ~~[301.152]~~. ~~[The~~

~~term includes an advanced nurse practitioner and advanced practice nurse.]~~

SECTION 4.026. Section 203.002(2), Occupations Code, is amended to read as follows:

(2) "Certified nurse-midwife" means an advanced practice ~~[a person who is:~~

~~[(A) a] registered nurse [under Chapter 301,~~

~~[(B) recognized as an advanced nurse practitioner by the Texas Board of Nursing; and~~

~~[(C)] certified by the American College of Nurse-Midwives.~~

SECTION 4.027. Sections 551.003(14) and (34), Occupations Code, are amended to read as follows:

(14) "Designated agent" means:

(A) an individual, including a licensed nurse, physician assistant, or pharmacist:

(i) who is designated by a practitioner and authorized to communicate a prescription drug order to a pharmacist; and

(ii) for whom the practitioner assumes legal responsibility;

(B) a licensed nurse, physician assistant, or pharmacist employed in a health care facility to whom a practitioner communicates a prescription drug order; or

(C) an advanced practice ~~[a]~~ registered nurse or physician assistant authorized by a practitioner to administer a prescription drug order for a dangerous drug under Subchapter B,

1 Chapter 157.

2 (34) "Practitioner" means:

3 (A) a person licensed or registered to prescribe,
4 distribute, administer, or dispense a prescription drug or device
5 in the course of professional practice in this state, including a
6 physician, dentist, podiatrist, advanced practice registered nurse
7 authorized to prescribe and order drugs and devices under Section
8 301.358, or veterinarian but excluding a person licensed under this
9 subtitle;

10 (B) a person licensed by another state, Canada,
11 or the United Mexican States in a health field in which, under the
12 law of this state, a license holder in this state may legally
13 prescribe a dangerous drug;

14 (C) a person practicing in another state and
15 licensed by another state as a physician, dentist, veterinarian,
16 advanced practice registered nurse, or podiatrist, who has a
17 current federal Drug Enforcement Administration registration
18 number and who may legally prescribe a Schedule II, III, IV, or V
19 controlled substance, as specified under Chapter 481, Health and
20 Safety Code, in that other state; or

21 (D) an advanced practice registered nurse or
22 physician assistant to whom a physician has delegated the authority
23 to prescribe or order a drug or device under Section 157.0511,
24 157.0512, or 157.054.

25 SECTION 4.028. Section 563.051(e), Occupations Code, is
26 amended to read as follows:

27 (e) A practitioner may designate a licensed vocational

nurse or a person having education equivalent to or greater than that required for a licensed vocational nurse to communicate the prescriptions of an advanced practice registered nurse or physician assistant authorized by the practitioner to sign prescription drug orders under Subchapter B, Chapter 157, or of an advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358.

SECTION 4.029. Section 563.053, Occupations Code, is amended to read as follows:

Sec. 563.053. DISPENSING OF DANGEROUS DRUGS IN CERTAIN RURAL AREAS. (a) In this section:

(1) "Advanced practice registered nurse" has the meaning assigned by Section 301.002.

(2) "Reimbursement [~~,"reimbursement~~ for cost" means an additional charge, separate from that imposed for the physician's or advanced practice registered nurse's professional services, that includes the cost of the drug product and all other actual costs to the physician or advanced practice registered nurse incidental to providing the dispensing service. The term does not include a separate fee imposed for the act of dispensing the drug itself.

(a-1) This section applies to an advanced practice registered nurse only to the extent that the advanced practice registered nurse is authorized to prescribe and order drugs and devices under Section 301.358.

(b) This section applies to an area located in a county with a population of 5,000 or less, or in a municipality or an

unincorporated town with a population of less than 2,500, that is within a 15-mile radius of the physician's or advanced practice registered nurse's office and in which a pharmacy is not located. This section does not apply to a municipality or an unincorporated town that is adjacent to a municipality with a population of 2,500 or more.

(c) A physician who practices medicine or advanced practice registered nurse who practices advanced practice registered nursing in an area described by Subsection (b) may:

(1) maintain a supply of dangerous drugs in the physician's or advanced practice registered nurse's office to be dispensed in the course of treating the physician's or advanced practice registered nurse's patients; and

(2) be reimbursed for the cost of supplying those drugs without obtaining a license under Chapter 558.

(d) A physician or advanced practice registered nurse who dispenses dangerous drugs under Subsection (c) shall:

(1) comply with each labeling provision under this subtitle applicable to that class of drugs; and

(2) oversee compliance with packaging and recordkeeping provisions applicable to that class of drugs.

(e) A physician who desires to dispense dangerous drugs under this section shall notify both the board and the Texas Medical ~~[State]~~ Board ~~[of Medical Examiners]~~ that the physician practices in an area described by Subsection (b). An advanced practice registered nurse who desires to dispense dangerous drugs under this section shall notify both the board and the Texas Board of Nursing

1 that the advanced practice registered nurse practices in an area
2 described by Subsection (b). The physician or advanced practice
3 registered nurse may continue to dispense dangerous drugs in the
4 area until the board determines, after notice and hearing, that the
5 physician or advanced practice registered nurse no longer practices
6 in an area described by Subsection (b).

7 SECTION 4.030. Sections 605.002(14) and (18), Occupations
8 Code, are amended to read as follows:

9 (14) "Orthotics" means the science and practice of
10 measuring, designing, fabricating, assembling, fitting, adjusting,
11 or servicing an orthosis under an order from a licensed physician,
12 chiropractor, ~~[or]~~ podiatrist, or advanced practice registered
13 nurse authorized to prescribe and order drugs and devices under
14 Section 301.358, or an advanced practice registered nurse or
15 physician assistant acting under the delegation and supervision of
16 a licensed physician as provided by Subchapter B, Chapter 157, and
17 rules adopted by the Texas Medical Board, for the correction or
18 alleviation of a neuromuscular or musculoskeletal dysfunction,
19 disease, injury, or deformity.

20 (18) "Prosthetics" means the science and practice of
21 measuring, designing, fabricating, assembling, fitting, adjusting,
22 or servicing a prosthesis under an order from a licensed physician,
23 chiropractor, ~~[or]~~ podiatrist, or advanced practice registered
24 nurse authorized to prescribe and order drugs and devices under
25 Section 301.358, or an advanced practice registered nurse or
26 physician assistant acting under the delegation and supervision of
27 a licensed physician as provided by Subchapter B, Chapter 157, and

rules adopted by the Texas Medical Board.

SECTION 4.031. Section 605.2515, Occupations Code, is amended to read as follows:

Sec. 605.2515. ADDITIONAL LICENSE: DEVICE MANUFACTURER. A person licensed to practice orthotics or prosthetics who measures, designs, fabricates, fits, assembles, adjusts, or services an orthosis or a prosthesis under an order from a licensed physician, chiropractor, ~~or~~ podiatrist, or advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, or an advanced practice registered nurse or physician assistant acting under the delegation and supervision of a licensed physician as provided by Subchapter B, Chapter 157, and rules adopted by the Texas Medical Board, for a specific patient is exempt from licensing as a device manufacturer under Subchapter L, Chapter 431, Health and Safety Code. A person licensed to practice orthotics or prosthetics who fabricates or assembles an orthosis or a prosthesis without an order from a licensed physician, chiropractor, ~~or~~ podiatrist, or advanced practice registered nurse authorized to prescribe and order drugs and devices under Section 301.358, or an advanced practice registered nurse or physician assistant acting under the delegation and supervision of a licensed physician as provided by Subchapter B, Chapter 157, and rules adopted by the Texas Medical Board, for a specific patient is required to be licensed as a device manufacturer under Subchapter L, Chapter 431, Health and Safety Code.

SECTION 4.032. Section 1701.703(a), Occupations Code, is amended to read as follows:

1 (a) A physician, ~~[or]~~ a person who has been delegated
2 prescriptive authority under Chapter 157, or an advanced practice
3 registered nurse authorized to prescribe and order drugs and
4 devices under Section 301.358, [Occupations Code] may prescribe
5 epinephrine auto-injectors in the name of a law enforcement agency.

6 ARTICLE 5. LEGISLATION IMPACT STUDY

7 SECTION 5.001. (a) The Texas Board of Nursing shall conduct
8 a study of the effect this Act has had on:

9 (1) access to primary health care in counties with a
10 population of less than 68,750 as compared to counties with a
11 population of 68,750 or greater;

12 (2) patient outcomes in counties with a population of
13 less than 68,750;

14 (3) trends in the practice location of advanced
15 practice registered nurses; and

16 (4) costs incurred by rural hospitals.

17 (b) Not later than September 1, 2028, the Texas Board of
18 Nursing shall submit to the governor, the lieutenant governor, and
19 the speaker of the house of representatives:

20 (1) the study conducted under Subsection (a) of this
21 section;

22 (2) the information published by:

23 (A) the Texas Medical Board under Section
24 157.152(b), Occupations Code, as added by this Act; and

25 (B) the Texas Board of Nursing under Section
26 301.359(c), Occupations Code, as added by this Act; and

27 (3) recommendations to the legislature to improve

1 rural access to health care and patient outcomes.

2 SECTION 5.002. This article expires December 31, 2029.

3 ARTICLE 6. TRANSITION AND EFFECTIVE DATE

4 SECTION 6.001. Not later than February 1, 2026, the Texas
5 Board of Nursing shall adopt the rules necessary to implement the
6 changes in law made by this Act.

7 SECTION 6.002. This Act takes effect September 1, 2025.